REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated April 14, 2010. Applicant respectfully requests a two month extension of time. Authorization is given to charge the appropriate fees to Deposit Account No. 50-0951.

At the time of the Office Action, claims 1-22 and 24 were pending in the application. In the Office Action, claims 1-4 and 22 were rejected under 35 U.S.C. §102(b). Claims 5-11, 17-21 and 24 were rejected under 35 U.S.C. §103(a). Claims 12-16 were indicated to be allowable if rewritten to overcome the objection set forth in this Office Action and to include the limitation of the base claim and any intervening claims. The rejections are discussed in more detail below.

I. Rejections based upon Art

Claims 1-4 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 880,378 to Geis (hereafter "*Geis*"). Claims 5-10, 17, 18 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Geis* in view of U.S. Patent No. 6,643,969 to Avizonis ("*Avizonis*"). Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Geis* in view of *Avizonis* as applied to claim 10, and further in view of U.S. Patent No. 5,526,177 to Fantone. Claims 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Geis* in view of *Avizonis* as applied to claim 18, and further in view of U.S. Patent No. 5,054,225 to Giuffre et al.

In the Office Action, paragraph 4, *Geis* has been interpreted to read as though the second reflective surface (n) can be pivoted in any direction. Notably, however, the second mirror (n) is only rotatable such that it can only direct the light beam to some degree below the plane of the incoming light beam.

As can be seen in Figure 3 of *Geis*, the second mirror (n) is rotated on a pivot (o) and is held against the adjusting screw (q). The spring (p) provides the appropriate bias such that when the screw (q) is turned for example clockwise it then urges the top section of the second mirror (n) away and pivots it downward against the bias of the spring (p). Conversely, when the spring is for example rotated in the anti-clockwise direction, the spring (p) then urges the mirror to return to its upright position. At all times, the light beams are parallel to one another, as viewed in Figure 3. Accordingly, the second reflective surface (n) of *Geis* cannot be said to reflect the light beam at an

angle of between 35° and 60° relative to the incoming light beam. Additionally, from Fig. 2 it appears that the deflection of the light beam in the vertical direction is less than approximately 20° from the plane of the incoming light.

Thus, at paragraph 3 of the Office Action, where it is stated that the second reflective surface (n) adapted to direct the reflected light beam of an angle between 35° and 60°, this is simply not possible, and certainly not in the horizontal plane. The claims are amended to recite that the light is deflected in the horizontal plane, which is not taught by *Geis*. As can be seen from Fig. 1 of *Geis*, by deflecting the light in a vertical plane, the user must support the gun above their head, which requires both a support for the barrel of the gun, and a support for the handle. This is not the same as deflecting the light in the horizontal plane, which enables a user to take cover behind a wall and shoot from the side, not above the head. Moreover, by deflecting the light vertically, *Geis* must provide pivotable mirrors, because the height of the gun above the user's head cannot be predicted in advance, and must depend on the height of objects that the user finds to shield himself behind. The pivotable mirrors increase the complexity of the device, and require careful positioning. In a combat situation, such positioning will severely delay the firing speed of the user, and can be dangerous.

Furthermore, the Office Action states that *Geis* teaches a housing, but column 2, lines 85-86 refers to housings in the plural and the figures do not show any housing that encase the mirrors (m) and (n). The housings refer to appear to be the generally C-shaped clamps immediately surrounding the mirrors, which are necessary to allow the mirrors to freely pivot.

The claims have been amended to recite that the mirrors are fixedly mounted within the main body, and that the light is deflected in the horizontal direction by an angle between 35° and 60° from the direction of the incoming light beam. This allows for the user to sight a target through the viewfinder quickly, while maintaining a position behind cover that allows for a comfortable angle from which to shoot a weapon. This arrangement is not taught or suggested by the prior art.

For the foregoing reasons, the independent claims are believed to relate to patentable subject matter, and to be in condition for allowance. The dependent claims are believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

II. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

Date: September 14, 2010

Mark D. Passler

Mark D. Passler
Registration No. 40,764
Sarah E. Smith
Registration No. 50,488
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000